

LEWISTON, WEDNESDAY, MAY 2, 2012 AT 8:50 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

FRANK RONALD MAREK and GAYLE A.)
MAREK, husband and wife,)

Plaintiffs-Appellants,)

v.)

EARL A. LAWRENCE and SANDRA L.)
LAWRENCE, husband and wife; ROBERT)
C. JOHNSON, a married man; SANDI)
WORTHINGTON, a married woman,)

Defendants-Respondents.)

Docket No. 38827

Appeal from the District Court of the Second Judicial District, State of Idaho,
Clearwater County. Hon. Michael J Griffin, District Judge.

Clark & Feeney, Lewiston, for appellants.

Mark S. Snyder, Kamiah, for respondents.

Frank Ronald Marek and Gayle Marek (the Mareks) appeal the district court's decision and judgment decreeing the locations of two boundary lines previously in dispute between the Mareks and Earl A. Lawrence and Sandra L. Lawrence (the Lawrences). The Mareks had previously filed an action seeking to resolve the dispute between the parties. The Lawrences were twice unsuccessful on motions for summary judgment because they had not, as a matter of law, been able to show adverse possession or a boundary by agreement. Upon a motion for reconsideration by the Lawrences, the district court reconsidered its previous opinion considering possible interpretations of a conveyance between the parties' predecessors in title and found that the boundary line in the deed could only be interpreted one way. Upon this finding, the district court ruled that the boundary argued by the Lawrences was the correct boundary between the parties. The Mareks have appealed this decision, arguing that the district court had erred in its interpretation of the deed.

LEWISTON, WEDNESDAY, MAY 2, 2012 AT 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

**PADDISON SCENIC PROPERTIES,
FAMILY TRUST, L.C.,**

Plaintiff-Appellant,)

V.

IDAHO COUNTY, a political subdivision of the State of Idaho; KIDDER-HARRIS HIGHWAY DISTRICT, a body politic and corporate of the State of Idaho,

Defendants-Respondents.)

Docket No. 38154

Appeal from the District Court of the Second Judicial District, State of Idaho,
Idaho County. Hon. Jeff M. Brudie, District Judge.

Haemmerle & Haemmerle, P.L.L.C., Hailey, for appellant.

Sherer & Wynkoop, LLP, Meridian, for respondent Kidder-Harris Highway District.

Kirk A. MacGregor, Idaho County Prosecuting Attorney, Grangeville, for
respondent Idaho County.

This case involves the ownership status of Coolwater Ridge Road in Idaho County. The predecessors in interest of Paddison Scenic Properties, Family Trust, L.C. (the Paddisons) granted a right of way to the United States of America for a road, which became Coolwater Ridge Road. The Paddisons sought a declaratory judgment that the road is not a public road or highway under Idaho law. The 1931 deeds granting the right of way included language that the grantors “dedicate the said right of way to the general public for all road and highway purposes provided for in the laws of the State of Idaho.” The district court held that this language evidenced an intent to dedicate a public road, and, coupled with ongoing public use, was sufficient to create a public road under the common law dedication requirements. The Paddisons appealed.

LEWISTON, WEDNESDAY, MAY 2, 2012, AT 11:10 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

**STATE OF IDAHO, DEPARTMENT OF
TRANSPORTATION,**

Plaintiff-Respondent,

v.

**HJ GRATHOL, a California general
partnership,**

Defendant-Appellant,

and

**STERLING SAVINGS BANK, a
Washington corporation; and DOES 1
through 5,**

Defendants.

Docket No. 38511

Appeal from the district court of the First Judicial District, State of Idaho,
Kootenai County. Hon. Lansing L. Hanes, District Judge.

Ramsden & Lyons, LLP, Coeur d'Alene, for appellant.

Holland & Hart, Boise, for respondent.

The Idaho Transportation Board ("the Board") sought to condemn sixteen acres ("the subject property") of HJ Grathol's ("Grathol"), a California general partnership, parcel, which is located at or near the northeast corner of US Highway 95 and State Highway 54 in Kootenai County, Idaho, in order to realign US Highway 95 and to construct an interchange with State Highway 54. Grathol contends that the Board failed to negotiate in good faith because the Board's offer for the subject property did not account for the extension of Sylvan Road and Roberts Road, which Grathol contends would front its parcel and significantly increase its value. Grathol further asserts that the Board failed to file its Complaint and Order of Condemnation in accordance with I.C. § 7-707 before moving for early possession of the subject property pursuant to the "quick-take" provisions of I.C. § 7-721.